

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY
PILLOW, INC.,

Defendants.

Case No. 22-cv-0098-WMW-JFD

**DECLARATION OF JAMES R. BEDELL IN SUPPORT OF SMARTMATIC'S
MOTION FOR LEAVE TO COMPLETE LIMITED THIRD-PARTY
DISCOVERY AFTER THE FACT DISCOVERY DEADLINE**

I, James R. Bedell, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of 18, I am competent to make this declaration, and I have personal knowledge of the facts stated herein. These facts are true to the best of my knowledge, information, and belief, and if called upon to testify as a witness, I could and would testify competently to them.

2. I am an attorney at the law firm Benesch, Friedlander, Coplan & Aronoff, LLP, and I represent Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited ("Smartmatic") in the above-captioned lawsuit.

3. Attached as Exhibit A is a true and correct copy of Defendants' Supplemental Answers and Objections to Plaintiffs' Third Set of Interrogatories.

4. Attached as Exhibit B is a true and correct copy of Smartmatic's Omnibus Brief in Support of Its Motion to Compel Deposition Testimony of Mary Fanning.

5. Attached as Exhibit C is a true and correct copy of Smartmatic's Motion to Compel Compliance with Subpoenas of Nonparty Conan James Hayes.

6. Attached as Exhibit D is a true and correct copy of Defendants' Memorandum in Support of Motion to Compel Compliance with Deposition Subpoena to John Negroponte.

7. Attached as Exhibit E is a true and correct copy of Defendants' Memorandum in Support of Motion to Compel Compliance with Deposition Subpoena to Carlotta Wells.

8. Attached as Exhibit F is a true and correct copy of Defendants' Motion for an Order to Enforce Subpoenas to Non-Party Los Angeles County.

9. I met and conferred with Andrew Parker and Abe Kaplan, attorneys for Defendants, on September 12, 13, and 14, 2023, to discuss stipulating to an extension of the fact discovery deadline so that both parties could complete their respective third-party discovery which necessitated enforcement proceedings.

10. Defendants did not object to extending the fact discovery deadline to allow for third-party discovery to complete, but they stated they would only agree to a proposal that also included an extension of deadlines related to experts, dispositive motions, and the trial-ready date by 60 days.

11. Smartmatic did not agree to the additional extensions proposed by Defendants.

12. Smartmatic took the deposition of third-party Douglas Frank on July 19, 2023 in Denver, Colorado.

13. Smartmatic took the deposition of third-party Jerry Johnson on July 20, 2023 in Denver, Colorado.

14. Smartmatic took the deposition of third-party Gen. Michael Flynn on August 2, 2023 in Sarasota, Florida.

15. Smartmatic took the deposition of third-party Phil Waldron remotely on July 31, 2023.

16. Smartmatic took the deposition of third-party Russel Ramsland remotely on July 31, 2023 and August 11, 2023.

17. Smartmatic took the deposition of third-party Robert Zeidman on August 16, 2023 in Las Vegas, Nevada.

18. Attached as Exhibit G is a true and correct copy of Smartmatic's Subpoena and Return of Service to Mary Fanning.

19. After Smartmatic served Mary Fanning with subpoenas for documents and testimony, attorneys for Smartmatic spent several months meeting and conferring with Ms. Fanning's counsel regarding her document production, which was eventually produced on May 17, 2023.

20. Attached as Exhibit H is a true and correct copy of a Declaration of Julie M. Loftus.

21. Attached as Exhibit I is a true and correct copy of an Email Exchange Between J. Loftus and B. Mohrman.

22. Attached as Exhibit J is a true and correct copy of a Proof of Service of Subpoenas on Conan Hayes.

23. Despite properly serving Conan Hayes with a subpoena for both documents and testimony, Mr. Hayes has not produced any documents, nor has he sat for a deposition.

24. Attached as Exhibit K is a true and correct copy of the Statement of Non-Appearence of Conan Hayes.

25. Attached as Exhibit L is a true and correct copy of an Email Exchange Between T. Frey and C. Hayes.

26. Attached as Exhibit M is a true and correct copy of Smartmatic's Subpoena to Conan Hayes.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



James R. Bedell

Executed on September 27, 2023.